

For discussion purposes only. Potential solutions have not been vetted by the Delta Protection Commission or legal counsel.

Concerns and potential solutions raised by local stakeholders during the feasibility study process for a National Heritage Area in the Sacramento-San Joaquin Delta.

	Concern	Potential Solution
Direct Concerns/Potential Solutions from Local Stakeholders	While the NHA itself is non-regulatory, and has no effect upon land use, the designation might have the effect of triggering other federal and state regulatory statutes or processes.	Include disclaimers to the state legislation relative to its possible adoption and/or to CEQA. If it is not possible to so amend NEPA or the federal NHA authorizing statute, state law could also memorialize legislative intent to have these principles apply to implementation of the NHA in the Delta and related federal action.
	The NHA boundaries might include communities that are not interested in being included.	Include an opt-in or opt-out provision in the legislation. ¹ Consider opt-in or opt-out capabilities to apply to geographical units such as reclamation districts, groups of reclamation districts, towns, municipalities, and/or counties.
	The NHA management entity might be interpreted by some to have land use authority.	Develop verbage agreement document between management entity and property owners within the NHA boundary that explicitly states that the management entity will have no land use authority.
	Decisions might be made in non-democratic ways.	Have a ballot or other democratic methods to make decisions.
Concerns From Cited References that Have Been Identified by Local Stakeholders	Local governments might change zoning ordinances to conform to land use plans suggested by the NHA board.	Maintain local control through having a relatively small-sized NHA so that local stakeholders have sufficient opportunities to influence decisions. ²
	Different agencies responsible for zoning might have individual interpretations of what it means to own property in and around the boundaries of the NHA.	Have a well defined geographic scope to include cultural, historic and environmental areas that can be developed into self-sustaining economic zones. ³
	NHAs that are too large will have insufficient funds to run the project on a self-sustaining basis.	
	Heritage Area matching funds might be used to purchase property or issue easements.	Legislation authorizing the NHA could prohibit funds being used to buy private property or purchase any form of easement. This is to ensure that private property stays on the tax rolls and is not retired. It will also ensure that land is not ‘donated’ by the NHA to create or expand a National Park. ⁴

¹Note that Sec. 127 of Public Law 111-88_Oct. 30, 2009 states: *Any owner of private property within an existing or new National Heritage Area may opt out of participating in any plan, project, program, or activity conducted within the National Heritage Area if the property owner provides written notice to the local coordinating entity.*

²Harold Maxwell, “Get Involved to Protect Your Property Rights,” at <http://www.ndfb.org/?id=69> (July 2010).

³*Ibid.*

⁴*Ibid.*